

Union Calendar No. 330

108TH CONGRESS
2D SESSION

H. R. 4056

[Report No. 108–565, Part I]

To encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2004

Mr. MICA (for himself, Mr. DEFAZIO, and Mr. ISRAEL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 23, 2004

Additional sponsors: Mr. McINNIS and Mr. BURGESS

JUNE 23, 2004

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

JUNE 23, 2004

Referral to the Committee on International Relations extended for a period ending not later than June 23, 2004

JUNE 23, 2004

Committee on International Relations discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Commercial Aviation*
5 *MANPADS Defense Act of 2004”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

8 (1) *MANPADS constitute a threat to military*
9 *and civilian aircraft.*

10 (2) *The threat posed by MANPADS requires the*
11 *development of both short-term and long-term plans.*

12 (3) *The threat posed by MANPADS requires an*
13 *international as well as domestic response.*

14 (4) *There should be an international effort to ad-*
15 *dress the issues of MANPADS proliferation and de-*
16 *fense.*

17 (5) *The Government is pursuing and should con-*
18 *tinue to pursue diplomatic efforts to prevent the pro-*
19 *liferation of MANPADS.*

1 **SEC. 3. INTERNATIONAL COOPERATIVE EFFORTS.**

2 (a) *TO LIMIT AVAILABILITY AND TRANSFER OF*
3 *MANPADS.—The President is encouraged to pursue fur-*
4 *ther strong international diplomatic and cooperative efforts,*
5 *including bilateral and multilateral treaties, in the appro-*
6 *priate forum to limit the availability, transfer, and pro-*
7 *liferation of MANPADS worldwide.*

8 (b) *TO ACHIEVE DESTRUCTION OF MANPADS.—The*
9 *President should continue to pursue further strong inter-*
10 *national diplomatic and cooperative efforts, including bi-*
11 *lateral and multilateral treaties, in the appropriate forum*
12 *to assure the destruction of excess, obsolete, and illicit stocks*
13 *of MANPADS worldwide.*

14 (c) *REPORTING AND BRIEFING REQUIREMENTS.—Not*
15 *later than 180 days after the date of enactment of this Act,*
16 *the President shall transmit to the appropriate congres-*
17 *sional committees a report that contains a detailed descrip-*
18 *tion of the status of diplomatic efforts under subsections (a)*
19 *and (b). Annually thereafter until completion of such diplo-*
20 *matic efforts, the Secretary of State shall brief the appro-*
21 *priate congressional committees on the status of such diplo-*
22 *matic efforts.*

1 **SEC. 4. FAA AIRWORTHINESS CERTIFICATION OF MISSILE**
2 **DEFENSE SYSTEMS FOR COMMERCIAL AIR-**
3 **CRAFT.**

4 (a) *IN GENERAL.*—As soon as practicable, but not
5 later than, the date of completion of Phase II of the Depart-
6 ment of Homeland Security’s counter-man-portable air de-
7 fense system (MANPADS) development and demonstration
8 program, the Administrator of the Federal Aviation Admin-
9 istration shall establish a process for conducting airworthi-
10 ness and safety certification of missile defense systems for
11 commercial aircraft certified as effective and functional by
12 the Department of Homeland Security. The process shall
13 require a certification by the Administrator that such sys-
14 tems can be safely integrated into aircraft systems and en-
15 sure airworthiness and aircraft system integrity.

16 (b) *CERTIFICATION ACCEPTANCE.*—Under the process,
17 the Administrator shall accept the certification of the De-
18 partment of Homeland Security that a missile defense sys-
19 tem is effective and functional to defend commercial air-
20 craft against MANPADS.

21 (c) *EXPEDITIOUS CERTIFICATION.*—Under the process,
22 the Administrator shall expedite the airworthiness and safe-
23 ty certification of missile defense systems for commercial
24 aircraft certified by the Department of Homeland Security.

25 (d) *REPORTS.*—Not later than 90 days after the first
26 airworthiness and safety certification for a missile defense

1 *system for commercial aircraft is issued by the Adminis-*
2 *trator, and annually thereafter until December 31, 2008,*
3 *the Federal Aviation Administration shall transmit to the*
4 *Committee on Transportation and Infrastructure of the*
5 *House of Representatives and the Committee on Commerce,*
6 *Science, and Transportation of the Senate a report that*
7 *contains a detailed description of each airworthiness and*
8 *safety certification issued for a missile defense system for*
9 *commercial aircraft.*

10 **SEC. 5. PROGRAMS TO REDUCE MANPADS.**

11 *(a) IN GENERAL.—The President is encouraged to pur-*
12 *sue strong programs to reduce the number of MANPADS*
13 *worldwide so that fewer MANPADS will be available for*
14 *trade, proliferation, and sale.*

15 *(b) REPORTING AND BRIEFING REQUIREMENTS.—Not*
16 *later than 180 days after the date of enactment of this Act,*
17 *the President shall transmit to the appropriate congres-*
18 *sional committees a report that contains a detailed descrip-*
19 *tion of the status of the programs being pursued under sub-*
20 *section (a). Annually thereafter until the programs are no*
21 *longer needed, the Secretary of State shall brief the appro-*
22 *priate congressional committees on the status of programs.*

23 *(c) FUNDING.—There is authorized to be appropriated*
24 *such sums as may be necessary to carry out this section.*

1 **SEC. 6. MANPADS VULNERABILITY ASSESSMENTS REPORT.**

2 (a) *IN GENERAL.*—Not later than one year after the
3 date of enactment of this Act, the Secretary of Homeland
4 Security shall transmit to the Committee on Transportation
5 and Infrastructure of the House of Representatives and the
6 Committee on Commerce, Science, and Transportation of
7 the Senate a report describing the Department of Homeland
8 Security’s plans to secure airports and the aircraft arriving
9 and departing from airports against MANPADS attacks.

10 (b) *MATTERS TO BE ADDRESSED.*—The Secretary’s
11 report shall address, at a minimum, the following:

12 (1) *The status of the Department’s efforts to con-*
13 *duct MANPADS vulnerability assessments at United*
14 *States airports at which the Department is con-*
15 *ducting assessments.*

16 (2) *How intelligence is shared between the*
17 *United States intelligence agencies and Federal,*
18 *State, and local law enforcement to address the*
19 *MANPADS threat and potential ways to improve*
20 *such intelligence sharing.*

21 (3) *Contingency plans that the Department has*
22 *developed in the event that it receives intelligence in-*
23 *dicating a high threat of MANPADS attack on air-*
24 *craft at or near United States airports.*

25 (4) *The feasibility and effectiveness of imple-*
26 *menting public education and neighborhood watch*

1 *programs in areas surrounding United States air-*
2 *ports in cases in which intelligence reports indicate*
3 *there is a high risk of MANPADS attacks on aircraft.*

4 (5) *Any other issues that the Secretary deems*
5 *relevant.*

6 (c) *FORMAT.—The report required by this section may*
7 *be submitted in a classified format.*

8 **SEC. 7. DEFINITIONS.**

9 *In this Act, the following definitions apply:*

10 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
11 *TEES.—The term “appropriate congressional commit-*
12 *tees” means—*

13 (A) *the Committee on Armed Services, the*
14 *Committee on International Relations, and the*
15 *Committee on Transportation and Infrastructure*
16 *of the House of Representatives; and*

17 (B) *the Committee on Armed Services, the*
18 *Committee on Foreign Relations, and the Com-*
19 *mittee on Commerce, Science, and Transpor-*
20 *tation of the Senate.*

21 (2) *MANPADS.—The term “MANPADS”*
22 *means—*

23 (A) *surface-to-air missile systems designed*
24 *to be man-portable and carried and fired by a*
25 *single individual; and*

1 *(B) any other surface-to-air missile systems*
2 *designed to be operated and fired by more than*
3 *one individual acting as a crew and portable by*
4 *several individuals.*

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